श्री राम विलास पासवान : सभापति जी, असल में हम लोगों को एक आइडिया आया था, वह आइडिया यह था कि जितने भी स्टील मेकिंग प्लान्ट्स हैं, उन सभी को एक जगह इकट्ठा क्यों नहीं किया जाता हैं, उस संबंध में पी.एम.ओ. में एक बैठक 3 जून को हुई थी । सेल अवश्य चाहता है कि आर.आई.एन.एल के साथ उसका मर्जर हो जाए, लेकिन आर.आई.एन.एल. और आंध्र प्रदेश की सरकार ने, पहले जो डिसिजन लिए हैं, उनका विरोध किया हैं कि हम इसका मर्जर नहीं चाहते हैं । आर.आई.एन.एल. का मर्जर एन.आई.एन.एल. के साथ चाहते हैं, नीलांचल इस्पात निगम लिमिटेड के साथ चाहते हैं । लेकिन नीलांचल इस्पात निगम लि. उड़ीसा सरकार के अंतर्गत हैं । उड़ीसा सरकार और एन.आई.एन.एल. तैयार नहीं हैं, मैं समझता हूं कि इस संबंध में विचार नहीं किया जा सकता हैं ।

Impact of Patent Laws on pharma sector

*185. SHRI KB. KRISHNA MURTHY:†
SHRI HARISH RAWAT

Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether Government have assessed the impact of recent Patent Laws on the restructuring of pharma sector in the country;

(b) if not, the reasons therefor;

(c) if so, whether such restructuring would cause the closure of some units;

(d) if so, what will be the extent of unemployment due to closure of units; and

(e) what steps are being taken to absorb the skilled manpower of the closed units?

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI RAM VILAS PASWAN): (a) to (e) A Statement is laid on the Table of the House.

Statement

(a) to (e) India is a signatory to the agreement establishing the World Trade Organisation. The WTO Agreement, *inter-alia,* contains an

†The question was actually asked on the floor of the House by Shri KB. Krishna Murthy

agreement on IPR, namely, the Agreement on Trade Related Aspects of IPR (TRIPS). The TRIPS Agreement requires member countries to align their legislations on intellectual property in conformity with their obligations under the TRIPS Agreement. In respect of Patents, the TRIPS Agreement prescribed introduction of product patents from 1.1.2005, for pharmaceutical, food and agrochemical inventions. Accordingly, product patent protection has been provided by amending Indian Patents Act. 1970.

While considering the amendments to the Indian Patents Act, 1970 elaborate consultations were carried out with all the concerned Departments of the Government of India and also with the various concerned organisations and industry associations including the prominent associations of the pharmaceutical industry. The concerns and apprehensions projected by the pharmaceutical industry, including the impact on the pharmaceutical sector as a whole, have been by and large been given consideration and adequate safeguards to ensure the continued availability of medicines at reasonable prices have been incorporated in the law while finalising the amendments.

It is estimated that over 95 per cent of the drugs being produced in India are off-patent and would not be affected by the introduction of product patent. Similarly the medicines included in the National List of Essential Medicines, 2003 are also off-patent and would not be affected by the product patent regime. The small number of drugs (less than 5 per cent) which are likely to be covered under product patent would continue to be produced in the country without any interruption. This has been ensued under the latest amendment in the Indian Patents Act, 1970. A reasonable royalty on the production of such drugs would become payable to the patent-holder company.

Since production of the existing drugs being produced in lndia would not be affected by the introduction of product patent regime there is no likelihood of closure of some of the units due to this reason. As such there is no question of unemployment in the pharma industry taking place in India due to introduction of product patent regime.

SHRI K.B. KRISHNAMURTHY: Sir, I am happy that the hon. Minister has answered my question very elaborately.

Sir, the hon. Minister admits that 95 per cent of the drugs and medicines produced in India are off-patent. Only patent ensures quality production of drugs. With 95 per cent off-patent drug production capacity, a spurious and fake drug market is thriving in India, which even supplies to the Government Health Departments. The patented drugs, not produced in India, are imported at 66 per cent import duty added. So, I would like to know from the hon. Minister whether the TRIPS Agreement enables India to manufacture and export drugs/medicines under the Compulsory License to countries with limited or no production facilities. Sir, the second part of my question is, did India export drugs and medicines to Kenya, a poor African nation, which were found to be fake and sub-potent?

श्री राम विलास पासवान : सभापति महोदय, जैसा कि सदन को मालूम हैं कि WTO के अंतर्गत जो ड्रग्ज़ हैं, WTO में ट्रिप्स का जो समझौता हुआ, उसके आधार पर इसको लागू किया गया ह । इसमें कोई दूसरी choice हमारे पास नहीं थी । लेकिन वर्ष 1995 में यह कहा गया कि भारत जैसे देश में इसको 10 साल के बाद लागू किया जाएगा । इसलिए पेटेंट ड्रग्ज़ कानून को 1.1.2005 से लागू कर दिया गया है, उसके अतिरिक्त आपकी जानकारी के लिए मैं बता दूं कि हमारे पास जितनी भी essential drugs हैं, वे कुल मिलाकर 354 हैं, सौभाग्य से इनमें से एक भी ड्रग ऐसी नहीं है, जो पेटेंट के अंतर्गत आती हो । दूसरी दवाइयों में से केवल 5 परसेंट दवाइयां पेटेंट के अंतर्गत आती हैं । इसके लिए हमने इंडस्ट्रीज़ के लोगों से बातचीत की, कंज्यूमर फोरम के लोगों से बातचीत की और इंडस्ट्रीज और कंज्यूमर्स की जितनी भी चिंताएं थी, उसको हम लोगों ने ध्यान में रखा और अपने सुझाव ग्रुप ऑफ मिनिस्टर्स को दिए । हमें खुशी हैं कि उन सारी चीजों को मान लिया गया हैं उसमें कंपलसरी लाइसेंस की व्यवस्था हैं ।

श्री सभापति : माननीय मंत्री जी, सारी बातें बताने की जरूरत नहीं हैं, वे समझ गए होंगे ।

श्री राम विलास पासवान : उसमें कंपलसरी लाइसेंस की व्यवस्था हैं ।

श्री सभापति : ठीक हैं ।

SHRI KB. KRISHNA MURTHY: Sir, what about my second question related to Kenya—whether India has supplied drugs to Kenya?

श्री राम विलास पासवान : वह हम आपको बाद में बतला देंगे ।

श्री सभापति : यह spurious drugs का मामला है, आप मिल लीजिए, वे सब बता देंगे ।